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## Testimony of Senator Orrin G. Hatch

### Senate Committee on Commerce, Science, and Transportation

### Hearing on Marketing Violence to Our Children

Mr. Chairman, members of the Committee, thank you for the opportunity to testify on the marketing of violent entertainment to children. As the Chairman of the Senate Judiciary Committee, as the father of six and grandfather of 19, and - as an occasional songwriter - my interest in this issue is not just professional but also personal.

The Commission should be commended for its work. Unfortunately, as disturbing as some of the findings may be, they are hardly surprising. It's hard to feign shock at the notion that children, particularly teenagers, are finding ways to see the movies they want to see, listen to the music they want to hear, and play the video games they want to play. Only someone who has not had the exasperating privilege of raising teenagers might be surprised to find that kids today are still as talented as they have always been in manipulating the loopholes and gimmicks in the restrictions that are imposed on their behavior. What is disturbing is the degree to which some commercial enterprises are willing to go to facilitate the manipulation of the few rules that do exist.

Just as disturbing is the fact that much of the violence found in our popular entertainment is directed against women. Studies show that modern music lyrics, in particular, have become increasingly misogynistic. Hatred and violence against women are widespread and unmistakable in mainstream hip-hop and alternative music. Consider, for example, the singer Marilyn Manson, some of whose less vulgar lyrics include: "Who says date rape isn't kind?"; "Let's just kill everyone and let your god sort them out": and "The housewife I will beat, the pro-life I will kill."

In 1999, I told this Committee about a new up and coming artist. His name? Eminem, the hip-hop artist featured frequently on MTV who wrote "Bonnie and Clyde" -- a song in which he described killing his child's mother and dumping her body into the ocean.

Despite historic, bipartisan legislation Sen. Joe Biden and I authored to help states deal with violence against women, it is stunning how much modern music glorifies acts of violence, sexual and otherwise, against women. Many children are listening to this music. This music is marketed to our youth.

It was argued at your 1999 hearing- and will probably be argued again today - that the fame and fortune of today's creators - be they hip-hop artists or movie directors - are the byproduct of a free market where consumers are free to choose. But this argument ignores that fact that these "artists" have been financially and personally embraced by industry. To be frank, these creators would not be as successful in the marketplace were it not for the power and effectiveness of Hollywood's production and marketing capabilities.

If the findings of the FTC report do not convince you of the truth, then ask yourself the following:

-- How does industry explain a 1998 Grammy nomination for Nine Inch Nails and a 1999 Grammy nomination for Marilyn Manson?

-- How does CBS/Viacom explain MTV's decision to award Eminem "Artist of the Year for 2000?"

-- It is one thing for industry to defend the constitutional rights of creators to express themselves. But it's quite another thing to expect society to tolerate the production and marketing of filth to young people for profit. While the First Amendment may very well protect hateful content, we must not ignore the fact that violent, misogynistic music may ultimately affect the behavior and attitudes of many young men toward women.

The recommendations of the Commission are constructive, but federal regulation and election year speeches are not the final answer. You can't regulate decency or legislate taste. The real issue is far more fundamental. Let's be honest. Any society, such as ours, where the freedom of expression is guaranteed in the Constitution, must recognize a fact that currently is not in vogue - that with freedom there must also be responsibility and accountability. Otherwise, we will always be bound and confined by those too ready to pander to the lowest common denominator.

It would be so much easier if there were only one culprit, one group that we could blame for our current state of diminished mores and vacuous principles. Some want to blame Hollywood, but what in Hollywood are we targeting? Are we angry with those who gave us *Saving Private Ryan*, *The Patriot*, and *Schindler's List*, or produce television shows like *Touched by an Angel* or *Providence*? We revel in these shows, because they trumpet the very ideals that we desperately seek in our own daily lives - the importance of courage, decency, honesty, conviction and faith.

What about the recording industry? Do we object to the music and lyrics of Gladys Knight, Larry Gatlin, or David Foster? Or, do we only object to the work of those with whom we have no cultural or personal connection? As one who has written Gospel music only to be told that it was unacceptable because of my religious faith, I have seen both sides of this debate on a personal level. Warning labels on CDs and video games do help, but for many teenagers, a parental warning code really stands for “Buy this now.”

Some want to blame television stations for airing one show after another that portrays inordinately beautiful people living in a violent, cynical, vapid society that fortunately is still alien to most of America – and I’m not talking about the evening news. The networks counter by asking, “How does one provide entertainment for both children and adults on a medium that is always available to both?”

What about the role of politicians, who seem to want to have it both ways? What kind of signal is being sent to the creative community when politicians have one hand clutched in righteous indignation over the prevalence of sex and violence in our nation’s entertainment and yet the other hand is wide open, palm up, in permanent solicitation of money and credibility from Hollywood’s most glamorous? Does anyone believe that the same indignant speeches being made these last few days are also being given at the countless fundraisers in Los Angeles, Nashville and New York?

Clearly, there is no easy solution – a Gilead’s Balm that will miraculously solve this problem. But there are constructive steps that we can all take to curtail our children’s exposure to violence. It is really three-fold:

First, the entertainment industry must stop hiding behind the shibboleth of censorship, claiming any form of restraint, even self-imposed, is nothing more than a capitulation to the puritanical. Too often, the outrageous and shocking are little more than a cover for a lack of creativity and originality. But, these artists will continue to flourish until the industry stops pretending that the permanent coarsening of entertainment is the only way to pay homage to the First Amendment.

There is one constructive step that Congress can take. It is relatively simple yet it could have a profound, positive influence by allowing the entertainment industry to begin making changes voluntarily.

A very limited amendment to our antitrust laws would clarify that the respective industries can cooperate to develop and enforce responsible guidelines without any fear of liability under current antitrust laws. The Senate has unanimously adopted my amendment to do just that. We should pass it before we adjourn.

Other industries in America recognize they have a responsibility for the cumulative consequences of their products being made and used. In Utah, we reclaim abandoned coal mines.

Why can't we even acknowledge that there has been a mental and moral waste dump created from our over infatuation with television, movies, and music? We place the entertainment industry on our society's highest pedestal. The time has come for them to exercise the responsibility that should come with this honor.

Second, we must recognize the responsibility parents have in the marketing of violence and sex to children. We all know how politically sensitive this subject is. But, the simple fact is that parents still enjoy the single most powerful weapon in the battle over how their children are entertained – the flick of the wrist – the ability to turn off the television, unplug the computer or CD player, and say no to a movie rental. A parent can not protect their child in every instance, in every activity that occurs in school, but parental supervision can significantly control the content and quantity of what children watch. It is not hard to find out what television shows your teenage children are watching, what movies they are seeing, or what they are doing on the Internet. More often than not, they tend to be the very same shows, films and sites that are being watched by the parents.

But it's hard to say no. Anyone who has had to weather the extended grounding of a teenager appreciates the difficulty involved. There are no immediate rewards, little support, and intense disapproval for censoring our own children. And, you have to live with those you have offended the most. Then again, there is no greater reward for a parent than the beauty of a well-raised adult.

And third, we must acknowledge the importance of faith. A society needs a moral code to survive and flourish, a body of jointly shared principles against which to measure, restrain and encourage conduct. For many of us, the source of these principles is our religion, which provides a comparable moral compass regardless of whether you attend a synagogue, church, or mosque. Yet, it is not politically correct to be religious or even morally accountable in public.

We live at a time when we have devalued the right to pray, the miracle of birth, and the integrity of the marriage covenant. We live at a time when fame is not the product of achievement as much as it is the expected consequence of notoriety. We live at a time when those who defend our cultural institutions, beliefs and values are routinely ridiculed while those who desecrate them are defended and applauded. Well, like politicians, we can't have it both ways.

Reducing the prevalence of violence, vulgarity and obscenity in our children's daily diet will occur only when we collectively decide that our society will benefit more from exercising responsibility than abdicating accountability. There has to be a national conscience, but you can not have a conscience that is devoid of any values and principles. However it is developed, a moral compass is critical, because we can never truly resolve the problems caused by those who pander in violence, vulgarity and obscenity until we recognize that the responsibility for what our children are watching is not the burden of someone else but our own.

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